

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1001 be amended to read as follows:

- 1 Page 244, between lines 2 and 3, begin a new paragraph and insert:
- 2 "SECTION 235. P.L.1-2008, SECTION 5, IS AMENDED TO
- 3 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007
- 4 (RETROACTIVE)]: SECTION 5. (a) The definitions in IC 6-1.1-1,
- 5 IC 6-1.1-20.9, and IC 6-1.1-21 apply throughout this SECTION.
- 6 (b) Subject to appropriation of money from the property tax
- 7 reduction trust fund for an additional 2007 homestead credit, the
- 8 department of local government finance shall calculate and certify to
- 9 the department of state revenue and the county auditor of each county
- 10 an additional homestead credit amount for property taxes first due and
- 11 payable in 2007. The additional homestead credit shall be paid as a
- 12 refund as provided in this SECTION for part of the tax liability (as
- 13 defined in IC 6-1.1-21-5) imposed on the taxpayer's homestead for the
- 14 March 1, 2006, or January 15, 2007, assessment date. The department
- 15 of local government finance shall make the certification based on the
- 16 best information available at the time the certification is made. Not
- 17 later than November 1, 2007, the department of state revenue shall
- 18 distribute to the county treasurer of each county the amount certified
- 19 for the county under this subsection. The county treasurer shall deposit
- 20 the amount distributed in a separate account and use the money only
- 21 for the purposes of providing property tax refunds under this
- 22 SECTION.
- 23 (c) At the same time as the department of local government finance
- 24 makes the certification under subsection (b), the department of local

government finance shall certify to the county auditor of each county the percentage that would apply in each taxing district to provide an additional 2007 homestead credit to taxpayers in the taxing district. The county auditor shall use the certified percentage to determine the amount of the refund due to each taxpayer. The county auditor shall certify the amount of the refund for each taxpayer to the county treasurer not later than the December 20, 2007, settlement date. IC 6-1.1-26 does not apply to a refund granted under this SECTION. The amount of the refund is equal to the lesser of the following:

- (1) The amount of the taxpayer's tax liability (as defined in IC 6-1.1-21-5) on a homestead for the March 1, 2006, or January 15, 2007, assessment date, after the application of all other credits.
- (2) The additional 2007 homestead credit determined for the taxpayer.

The department of local government finance, the department of state revenue, and the property tax replacement fund board shall take the actions necessary to carry out this SECTION.

(d) A county legislative body may adopt an ordinance providing that the amount of the refund shall be applied first against any delinquent property taxes owed in the county by the taxpayer.

(e) The county auditor shall issue a warrant for or authorize disbursement by electronic transfer of the remainder of the refund. The refund shall be:

- (1) mailed to the last known address of each person liable for any property taxes or special assessment, as shown on the tax duplicate or special assessment records, or to the last known address of the most recent owner shown in the transfer book; or
- (2) transmitted by written, electronic, or other means to a mortgagee maintaining an escrow account for a person who is liable for any property taxes or special assessments, as shown on the tax duplicate or special assessment records.

(f) In addition, the county auditor shall mail to the last known address of each person liable for any property taxes or special assessment on each homestead in the county, as shown on the tax duplicate or special assessment records, or to the last known address of the most recent owner shown in the transfer book a written explanation of the refund. The explanation must include the amount of the refund specified in the following statement in at least 12 point type:

"A portion of your local property taxes due in 2007 are being refunded due to tax relief provided by the Indiana General Assembly. Your refund is in the amount of \$ _____ (insert amount of refund). If you did not receive a check because you pay your property taxes through an escrow account along with your mortgage, your lender will receive the refund and should adjust your payments accordingly."

1 **(g) An individual:**

2 **(1) buying a homestead under a contract that provides that**
 3 **the individual is required to pay the property taxes on the**
 4 **homestead; and**

5 **(2) entitled to a homestead credit under IC 6-1.1-20.9;**
 6 **is entitled to an additional 2007 homestead credit if the individual**
 7 **would otherwise be entitled to the credit under this SECTION.**

8 **(h) If any refund mailed under subsection (e) is returned to the**
 9 **county auditor as undeliverable, the county auditor shall, within**
 10 **thirty (30) days after the first refund is returned as undeliverable,**
 11 **provide notice to the public that at least one (1) refund has been**
 12 **returned undeliverable. The notice required under this subsection**
 13 **shall:**

14 **(1) be published in at least one (1) newspaper of general**
 15 **circulation published in the county containing the address to**
 16 **which the refund was mailed; and**

17 **(2) describe the procedure for applying the refund as an**
 18 **additional homestead credit to certain property taxes under**
 19 **subsection (i).**

20 **(i) Except as provided in subsection (j), the county auditor shall**
 21 **apply the amount of a refund returned as undeliverable as an**
 22 **additional homestead credit to the next property tax installment**
 23 **attributable to the homestead for which the refund was issued. The**
 24 **additional homestead credit under this subsection shall be applied**
 25 **as a credit by the county auditor at least sixty (60) days, but not**
 26 **more than ninety (90) days, after the later of the following:**

27 **(1) The day the county auditor publishes a notice under**
 28 **subsection (h).**

29 **(2) The day the refund being applied as an additional**
 30 **homestead credit under this subsection is returned as**
 31 **undeliverable.**

32 **(j) If a refund is returned to a county auditor as undeliverable,**
 33 **the person to whom the refund was mailed under subsection (e) is**
 34 **entitled to claim the refund from the county auditor at any time**
 35 **before the county auditor applies the refund as an additional**
 36 **homestead credit under subsection (i).**

37 ~~(g)~~ **(k) Any part of the amount distributed to a county under this**
 38 **SECTION that is not applied or refunded as provided in this SECTION**
 39 **shall be transferred to the auditor of state for deposit in the property tax**
 40 **reduction trust fund.**

- 1 ~~(h)~~ **(l)** This SECTION expires January 1, 2009."
- 2 Renumber all SECTIONS consecutively.
(Reference is to HB 1001 as printed January 17, 2008.)

Representative Smith M